

JS-6

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Plaintiff,

vs.

MARIANE MIRANDA, and DOES 1  
through 10, inclusive,

Defendants.

Case No.: SACV13-1681 JFW (DFMx)

Judge: Hon. John F. Walter

**PROPOSED JUDGMENT AND  
ORDER ON APPLICATION FOR  
ENTRY OF DEFAULT  
JUDGMENT BY THE COURT**

[Filed concurrently with: (1) Notice  
of Application and Application for  
Entry of Default Judgment by the  
Court; (2) Memorandum of Points  
and Authorities in Support;  
(3) Declaration of Gail E. Cohen; and  
(4) Declaration of Linda See

Date: August 11, 2014  
Time: 1:30 p.m.  
Crtrm.: 16

1 On October 25, 2013, Plaintiff American General Life Insurance Company  
2 (“AGLIC”) filed its Complaint for Intentional Misrepresentation against Defendant  
3 Marianne Miranda (“Defendant”). AGLIC has now moved for entry of default  
4 judgment on its Complaint, pursuant to Rule 55(b)(2) of the Federal Rules of Civil  
5 Procedure. The matter was heard before this Court on August 11, 2014. Based on  
6 AGLIC’s Application, supporting declarations and exhibits, request for judicial  
7 notice, and the files of this Court, AGLIC’s Application is hereby granted.

8 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS  
9 FOLLOWS:

- 10 1. AGLIC properly filed its Complaint with this Court on October 25, 2013.
- 11 2. AGLIC’s Complaint properly pled a claim for rescission and declaratory  
12 relief by setting forth facts sufficient to show that its cause of actions are  
13 within the jurisdiction of this Court and to state a cause of action in a form  
14 that gives Defendant fair notice of AGLIC’s complaint and the relief  
15 sought.
- 16 3. Defendant was properly personally served with the Summons and  
17 Complaint on March 7, 2014.
- 18 4. Defendant was required to plead, or otherwise respond, to AGLIC’s  
19 Complaint by March 28, 2014.
- 20 5. Defendant failed to answer or otherwise respond to AGLIC’s Complaint.
- 21 6. The Clerk of Court entered default against Defendant on May 13, 2014.
- 22 7. Defendant’s failure to appear and answer this lawsuit constitutes an  
23 admission of all allegations contained in AGLIC’s Complaint.
- 24 8. AGLIC is entitled to the rescission of American General Life Insurance  
25 Company policy number YME11541 such that the policy is null and void  
26 from its inception as if it had never been issued, as requested in the  
27 Complaint;
- 28 9. AGLIC is entitled to a default judgment.

1  
2 IT IS FURTHER ORDERED THAT:

3 A default judgment is hereby entered in favor of Plaintiff AGLIC and against  
4 Defendant so that American General Life Insurance Company policy number  
5 YME11541 is rescinded and the policy is deemed null and void from its inception as  
6 if it had never been issued.

7  
8 ENTRY OF THIS JUDGMENT

9 It is further ordered that, as there is no just reason for delay of entry of this  
10 judgment, pursuant to Fed. R. Civ. P. 54(b), the clerk shall enter this Order  
11 immediately.

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13 Dated: August 5, 2014

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16 THE HONORABLE JOHN F. WALTER  
17 UNITED STATES DISTRICT COURT  
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